

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. DCF conducted a six month review of the petitioner's VHAP eligibility in June of 2005. DCF determined that the petitioner's income put her over eligibility limits for the program. DCF notified the petitioner by a letter dated June 28, 2005 that her eligibility would cease as of July 31, 2005.

3. The petitioner appealed that determination. She does not disagree with the income used by DCF. However, she says that she has monthly health needs, including a need for a wheelchair which is currently rented for her by the VHAP program. She has a \$5,000 spenddown she must meet every six months before she can get Medicaid help and will not be eligible for Medicare until January of 2007.

4. DCF has notified the petitioner that she is eligible for the VScript expanded program for help with her prescription medications.

ORDER

The decision of DCF is affirmed.

REASONS

Regulations adopted by DCF in the VHAP program provide that "an individual must be a member of a VHAP group with countable income under the applicable income test" to be financially eligible for VHAP benefits. VHAP § 4001.8. "Countable income" under the program includes gross income from benefits programs "such as social security." VHAP § 4001.81. Deductions from income are available only for working and dependent care expenses. VHAP § 4001.81. Individuals with income "less than 150 percent of the federal

poverty level (FPL) are eligible for VHAP." VHAP 4001.84.
150 percent of the federal poverty level for a single person
is \$1,197 per month. P-2420.

DCF followed the above regulations in determining the
petitioner's eligibility. Her gross social security income
of \$1,680 per month is entirely countable because the
deductions do not apply to her. Her countable income is well
in excess of the \$1,194 maximum established for a single
person. As such, DCF was correct that the petitioner is not
eligible for VHAP benefits but is eligible for VScript
expanded benefits which have a higher income limit of \$1,795
(225 percent of poverty level). VHAP § 3201.64, P-2420B(1).
As DCF's decision is in accord with its regulations, the
Board is constrained to uphold the decision, in spite of the
petitioner's obvious need for health insurance as a
relatively low-income disabled person.

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